

## 27 **Firefighters and nurses**

Section 7103(a)(10) of the Statute contains a special definition of "supervisor" as it pertains to firefighters and nurses, stating that with respect to any unit including firefighters or nurses, the term "supervisor" includes only those individuals **"who devote a preponderance of their employment time exercising supervisory authority."**

The Statute contains no definition of "nurse" and no specific meaning of the term "nurse" has been developed through Authority cases. Section 7103(a)(17) of the Statute defines "firefighter" as:

...any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

There are two important aspects to the statutory definition of a supervisory firefighter or nurse. The supervisory firefighter or nurse must spend a **preponderance of employment time** engaged in supervisory functions. The term "preponderance" has not been defined by the Authority in any of its decisions. Thus, it is important to develop as complete a record as possible of the duties and assignments of the individuals in question. In addition, the Statute uses the term "employment time", rather than work time. Thus, for those firefighters who are assigned to 24-hour shifts, the amount of time engaged in supervisory duties throughout the entire 24-hour period is developed. See *U. S. Department of the Navy, Marine Corps Base, Camp Pendleton, California*, 8 FLRA 276 (1982). The "preponderance of employment time" test applies only to firefighters and nurses in bargaining units, and not to other types of employees who happen to be in units containing firefighters or nurses. See *Department of the Navy, Naval Undersea Warfare, Engineering Station, Keyport, Washington*, 7 FLRA 526, 529 (1981).

**See HOG 62 for specific guidance on supervisory indicia to use at hearing and HOG 63 for guidance about firefighters and nurses at hearing.**

### **Other references:**

*Department of the Navy, Naval Education and Training Center, Newport, Rhode Island*, 3 FLRA 325, 327 (1980).

*U. S. National Park Service, Santa Monica Mountains Recreation*

*Area, Agoura Hill, California, 50 FLRA 164, 170 (1995).*

*Veterans Administration, Washington, D.C. and Veterans Administration Medical Center, Salisbury, North Carolina, 11 FLRA 176 (1983).*

*Veterans Administration Medical Center, Lyons, New Jersey, 14 FLRA 46 (1984).*